

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHRISTOPHER LEE CORE, JR.,)	
)	
Petitioner,)	
)	
v.)	1:12CV907
)	1:07CR321-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On February 13, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed a "Response" to the Recommendation arguing for a full resentencing hearing, but stating that he had no objections to the Recommendation. Therefore, no objections were filed within the time limits prescribed by Section 636. Accordingly, the Court need not make a de novo review and the Magistrate Judge's Recommendation [Doc. #69] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion [Doc. #39] to vacate, set aside or correct sentence is GRANTED to the extent that it raises a Simmons claim challenging the § 851 Information of Prior Conviction, but DENIED otherwise, and the Clerk is directed to set this matter for

resentencing. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

To the extent Petitioner's Motions under 28 U.S.C. § 2255 have been denied in part, the Court finds no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, and a certificate of appealability is DENIED.

This the 28th day of April, 2017.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge